

Children's Disability Advisory Committee

Electronic Visit Verification (EVV) Live-in Caregiver (LIC) Exemption Updates

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COLORADO

Department of Health Care
Policy & Financing

What is EVV?

- Electronic Visit Verification (EVV) is a technology solution that verifies service provision through mobile application, telephony, or web-based portal
- EVV is used to ensure that home or community-based services are delivered to people needing those services and ensure caregivers are paid for time and efforts
- Think of it like an electronic timesheet

What must EVV capture?

1. Type of Service Performed
2. Individual Receiving Service
3. Date of Service
4. Location of Service Delivery
5. Individual Providing Service
6. Time the Service Begins and Ends

LIC EVV Exemption Overview

- Centers for Medicare and Medicaid Services (CMS) **allows** states to exempt Live-in Caregivers (LIC) from EVV requirements.
- HCPF chose to allow providers to exempt LICs from EVV requirements.
- HCPF does **not require** that LICs use EVV.
- Individual provider agencies are **permitted to require EVV** for LICs employed by the agency, if they choose.

LIC Eligible Services

Services eligible for the live-in caregiver exemption:

- Behavioral Therapies
- Consumer Directed Attendant Support Services (CDASS)
- Home Health
- Homemaker
- Independent Living Skills Training (ILST)/Life Skills Training (LST)
- In-Home Support Services (IHSS)
- Pediatric Personal Care
- Personal Care
- Private Duty Nursing
- Respite and Youth Day

Definitions

- **EVV Exemption** - A general term used to describe exemptions from EVV requirements based on live-in caregiver status including extenuating circumstances.
- **Live-in caregiver (LIC)**- Live-in caregiver is a caregiver who permanently resides in the same residence as the member receiving services.
 - LIC status determined by meeting requirements established by the U.S. Department of Labor, Internal Revenue Service, or HCPF-approved extenuating circumstances.

Definitions

- **Extenuating circumstance** - A live-in caregiver status beyond the standard definitions and granted by HCPF pre-approval.
 - e.g. joint custody, foster care, members transitioning from residential services, caregivers residing with a member for extended periods of time, and other less common situations.
- **Permissible Supporting Documentation** - HCPF-allowed documents required to verify the EVV Attestation of Exemption Form (LIC Exemption Form).
 - Other definitions and examples can be found in the [EVV Attestation of Exemption Form](#).

LIC Exemption Requirements

- Must have valid Live-in Caregiver Attestation Form and supporting documentation before utilizing the Live-in Caregiver exemption.
- Agencies then bill using methodology that designates Live-in Caregiver services by claim line.

Live-in Caregiver Exemption Updates



Previous LIC Exemption Form



Live-In Caregiver Attestation Form

Electronic Visit Verification (EVV) is a technology solution which electronically verifies visit information to ensure that home or community-based services are delivered to members needing those services by documenting the precise time service begins and ends. Section 12006 of the 21st Century Cures Act requires all state Medicaid agencies implement an EVV solution. Federal guidance permits states to exempt live-in caregivers from EVV. This exemption may or may not apply to the parent or family of a member, depending on living arrangement.

Caregiver/Member Information

Caregiver Name:

Caregiver EVV ID# (Last 5 digits of SSN):

Member Name:

Member Medicaid ID#:

Shared Address:

Provider or FMS Vendor Information

Provider Agency or FMS Vendor Name:


Medicaid Provider ID:

Provider Agency or FMS Vendor Representative Name:

A **live-in caregiver** is a caregiver who permanently or for an extended period of time resides in the same residence as the Medicaid member receiving services. Live-in caregiver status is determined by meeting requirements established by either the U.S. Department of Labor, Internal Revenue Service, or Department-approved extenuating circumstances. Documentation of live-in caregiver status must be collected and maintained by the provider agency. Live-in caregiver status is established by the member/caregiver relationship and only pertains to relationships where documentation has been provided and approved.

Current "New" LIC Exemption Form

Electronic Visit Verification Attestation of Exemption Form

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Electronic Visit Verification Attestation of Exemption Form

1. Member Information Complete this section with the Health First Colorado Member information. Move to section 2.		
Member first name	Member last name	Health First Colorado ID
2. Caregiver Information Complete this section with the caregiver information. Move to section 3. This information is optional when a member is asking for an EVV exemption because of ADA reasonable modification.		
Caregiver first name	Caregiver last name	ID (Last 5 of SSN)
Is the caregiver legally responsible for the member? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe their relationship (parent, spouse, sibling, etc.):		
3. Provider or FMS Vendor Information Complete this section with the provider information for the billing provider or the FMS Vendor. Then, if asking for an EVV exemption for a caregiver move to section 4. If asking for an EVV exemption for a member because of ADA reasonable modifications, skip to section 5.		
Provider or FMS Vendor name		
Provider Medicaid ID (Not NPI)		
Provider or FMS Vendor Representative name		
4. Caregiver Exemption Type Complete this section ONLY if you are a caregiver asking for an EVV exemption. Select only ONE exemption type. If you select live-in caregiver enter the residential address shared by the member and caregiver, then skip to section 7. If you select extenuating circumstances or ADA reasonable modification, then skip to section 6. See Terms and Definitions for more information on the EVV exemptions.		

Electronic Visit Verification Attestation of Exemption Form
Updated DATE 2024

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Updated EVV Exemption Form

HCPF has updated the EVV exemption form. Changes include:

1. Simplified Exemption Types

- Live-in caregiver - Most common
- Extenuating circumstances includes extended periods of time - Less common
- ADA reasonable modification - Least common

2. New Question(s)

- Are you legally responsible for the member?
- Describe relationship (parent, spouse, sibling, etc.)

3. New supporting documents permitted, examples:

- Change of Address Form (CNL107)
- Motor Vehicle Registrations
- Insurance policies (homeowner's, renters, and motor vehicle)
- Tax Returns

What to Expect

- Provider agencies may reach out and request you to complete part of LIC Exemption Form:
 - Member and Caregiver name
 - Member Medicaid ID
 - Caregiver ID
 - Address (if traditional live-in caregiver exemption)
 - Supporting documentation (e.g. utility bill, pay stub, copy of drivers license, etc.)
 - Caregiver and Member signature
- Will need to be renewed each year

Revised EVV Exemption Process

- Previously had providers maintain documents at agency
- Audit findings indicated need for improved HCPF oversight
- Implemented a formal approval process that now requires provider agencies to update and upload information using the Gainwell Provider Web Portal

Updated LIC Exemption Process Purpose

- Meant to strengthen overall exemption process
 - Simplifies exemption selection process
 - ATN request process
 - Notifications and reminders for renewal/expiration
 - Provider billing improvements
 - Improved and more timely feedback
- Improves HCPF oversight while maintaining LIC flexibilities

Future Plans

- To improve efficiency, HCPF is developing a process to support bulk uploading of exemption requests for high-volume providers
- This will allow large batches of exemptions to be uploaded
- Expected to be available before the end of the year
- Updates on this process will be provided via EVV Newsletter and other communication channels

Next Steps

- Members
 - Review and complete the new EVV Exemption Form for any current EVV Exempt services you provide or receive.
- Provider Agencies
 - Review the [Operational Memo 25-008 - Revised EVV Exemption Process](#) to get familiar with the new process, operationalize it within your organization, and begin adoption.
 - Begin applying for EVV exemptions through the Gainwell Provider Web Portal
- EVV Exemption Form and How to Complete EVV Exemption Form Fact Sheet are found on the [EVV Newsletters and Resources](#) webpage.



Questions?

Contact Information

Contact Us using the EVV Inbox Form

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Thank you!

